



P#10

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PATENT  
17400151P  
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## THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Akio INOUE et al. Conf.: 8894  
Appl. No.: 09/983,067 Group: 1614  
Filed: October 23, 2001 Examiner: UNKNOWN  
For: PROCESS FOR PRODUCING PEPTIDES BY USING  
IN VITRO TRANSCRIPTION/TRANSLATION  
SYSTEM

INFORMATION DISCLOSURE STATEMENT  
(SUBMISSION AFTER FILING OF AN APPLICATION  
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE  
OR CONCURRENTLY WITH A RULE 53(d) CPA APPLICATION  
OR WITH A RULE 1.114 RCE APPLICATION)

Assistant Commissioner for Patents  
Washington, DC 20231

May 21, 2002

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. Copies (check at least one box)

- a.  Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b.  Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE  
(check at least one box)

a.  **DOCUMENTS IN THE ENGLISH LANGUAGE**

The attached patents, publications, or other information in the English language do not require a statement of relevancy.

b.  **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

c.  **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A)(3).

d.  **OTHER**

The following additional information is provided for the Examiner's consideration.

FEES

IV.  THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):  
(check one box)

- a.  within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's and CPA's).
- b.  within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c.  concurrently with the filing of a Continued Prosecution Application under 37 C.F.R. § 1.53(d) or concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- d.  before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.  
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V.  THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

- a.  No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).  
or
- b.  See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a.  each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b.  no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- c.  Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

- A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.
- No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Kurt L Rupert #45702  
for Gerald M. Murphy, Jr., #28,977

GMM/KLR/bsh  
1752-0151P

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- Enclosures:       PTO-1449  
                  Documents  
                  Foreign Search Report  
                  Fee  
                  Other:

(Rev. 10/31/01)

Form PTO-1449

ATTY DOCKET NO.  
1752-0151PAPPLICATION  
NO.

09/983,067

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(use several sheets if necessary)

APPLICANT  
Akio INOUE et al.FILING DATE  
October 23, 2001GROUP  
1614

## U. S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER							DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	4	6	8	3	1	9	5	07/28/1987	Mullis et al.			
	4	7	1	0	4	6	4	12/01/1987	Belagaje et al.			

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
												YES	NO
	GB	21	83	6	6	1	A	06/10/1987	United Kingdom (abstract only)				
	EP	01	52	4	8	3	A1	08/28/1985	EPO				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	Y. Endo, <i>Bio Industry</i> , partial translation, Vol. 17, pp.20-27 (2000)
	K. Watanabe, <i>Bioscience and Industry</i> , partial translation, Vol. 47, No. 10, pp.16-24 (1989)
	Schmidt et al., <i>Protein Engineering</i> , Vol. 6, No. 1, pp.109-122 (1993)
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	G. Spedding, <i>Ribosomes and Protein Synthesis, A Practical Approach</i> , (IRL Press at Oxford University Press) , pp.1-29 (1990)
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	Krawetz et al., <i>Can J. Biochem Cell Biol</i> , Vol. 61, pp.274-286 (1983)
	Kozak, <i>Nucleic Acids Research</i> , Vol. 15, pp.8125-8148 (1987)
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	Ackers et al., <i>Ann. Rev. Biochem</i> , Vol. 54, pp.597-629 (1985)
	Schimmel et al., <i>Ann. Rev. Biochem.</i> , Vol. 48, pp.601-648 (1979)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449		RECEIVED SEARCHED MAY 23 2002 C111 16012000	ATTY DOCKET NO. 1752-0151P	APPLICATION NO. 09/983,067		
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <small>(Use several sheets if necessary)</small>		APPLICANT Akio INOUE et al.				
		FILING DATE October 23, 2001	GROUP 1614			
<b>U. S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION
						YES      NO
<b>OTHER DOCUMENTS</b> (Including Author, Title, Date, Pertinent Pages, etc.)						
	Murgola, <i>Ann. Rev. Genet.</i> , Vol. 19, pp.57-80 (1985)					
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	Baldini et al., <i>Biochemistry</i> , Vol. 27, pp.7951-7959 (1988)					
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EXAMINER			DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						